

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

NERY MARTIN BONACHEA	:	
	:	
Vs.	:	C.A. No.
	:	
UNITED STATES of AMERICA	:	

COMPLAINT

The Parties

1. Plaintiff, NERY MARTIN BONACHEA ("Bonachea"), is an individual who is a citizen of the United States and a resident of the City of Cranston, County of Providence, State of Rhode Island.
2. Defendant, UNITED STATES of AMERICA ("U.S.A."), is a defendant herein as a result of the conduct of its officers, agents, and employees, acting principally but not necessarily only through the conduct of the U.S. Department of Veterans Affairs ("VA") which is a federal agency of the U.S.A.

Jurisdiction

3. The claim set forth in this complaint against Defendant arises out of a motor vehicle accident which occurred on October 18, 2018, in Cranston, Rhode Island.
4. Jurisdiction is based on the Federal Tort Claims Act (Title 28 U.S.C. Section 2671).
5. The Plaintiff duly presented a claim to the VA and the U.S.A. as required by 28 U.S.C. Section 2675. After a series of negotiations, Defendant mailed a denial letter to Plaintiff on or about July 21, 2020, and then

remailed the denial letter to Plaintiff on or about September 30, 2020. A copy of said denial is marked Exhibit A and attached hereto. This original complaint is filed within the time period prescribed in Title 28 U.S.C. Section 2401.

Count One – (Negligence With Bodily Injury)

6. On or about October 18, 2018, the Plaintiff, Bonachea was a passenger in a motor vehicle that was traveling with the right-of-way in a parking lot in Cranston, Rhode Island.
7. At the same time Jessica Fultz, on information and belief and an employee of the VA, was the operator of a motor vehicle on information and belief owned by the VA which was traveling without the right-of-way in the same parking lot in Cranston, Rhode Island.
8. At all material times, Plaintiff Bonachea was in the exercise of due care with a cautious regard for her own safety and well-being and that of others using the highway.
9. As a direct and proximate result of the negligence and lack of due care of Jessica Fultz, the motor vehicle owned by the VA, an agency of the Defendant U.S.A., collided with the motor vehicle in which Plaintiff Bonachea was a passenger.
10. As a direct and proximate result thereof, Plaintiff Bonachea suffered, and may continue to suffer, injuries of her body, nerves and nervous system; has incurred, and may in the future continue to incur, medical expenses; and has been caused to undergo, and may in the future continue to undergo, further pain and suffering.

WHEREFORE, Plaintiff Bonachea demands judgment against the Defendant, U.S.A., in an amount sufficient to fully compensate her for the damages herein alleged, plus interest and costs of suit.

Plaintiff
By her attorney,

/s/ Paul S. Cantor

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Certification

I hereby certify that on the 14th day of January, 2021 a copy of the
above document was served by mail on the attorney of record for the Defendant
United State of America listed below:

United States Attorney's Office – District of Rhode Island
Attn: US. Attorney Aaron L. Weisman
50 Kennedy Plaza, 8th Floor
Providence, RI 02903

Paul S Cantor